

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

DAVID MOSES as Personal)
Representative of the ESTATE)
OF MELODY RICHARDSON,)
Plaintiff,)
vs.)
Gregory Kisling, D.O.,)
Defendant.)

Case No. 3AN-22-05277 CI

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Clerk of the Trial Courts

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COMPLAINT

COMES plaintiff, through counsel, the law firm of Dillon & Findley, P.C., and for its respective causes of action, alleges the following.

1. David Moses, a resident of Tununak, Alaska is the surviving parent of Melody Richardson and is the personal representative of the Estate of Melody Richardson. Melody Richardson was a resident of Bethel, Alaska at all times relevant to this lawsuit.
2. Defendant Gregory Kisling, D.O. is a radiologist who is licensed by the State of Alaska and has been, during all relevant times alleged herein, a resident of Anchorage, Alaska.

COMPLAINT
David Moses, et al. v. Dr. Kisling
Case No. 3AN-22-05277 CI

3. Jurisdiction in this Court is proper under AS 22.10.020. Venue is proper under AS 22.10.030 and Alaska Rule of Civil Procedure 3.¹

FACTUAL BACKGROUND

4. Melody Richardson presented to the Emergency Department at Alaska Native Medical Center (“ANMC”) on October 17, 2019 for a medication refill of Lisinopril to treat her hypertension. Her blood pressure measured 156/101.

5. The next day, Melody again presented to the Emergency Department, where treating providers documented Melody as someone “complaining of headaches for 2 years, comes and goes.” Cordelia Sewall, PA-C provided treatment to Melody during that visit.

6. Ms. Sewall referred Melody to ANMC Neurology for “frequent headaches x 2 yrs, Urgent Referral?” and told Melody they would call her to set up an appointment.

7. On December 19, 2019, Melody presented to ANMC Neurology Clinic for consultation regarding her headaches. Dr. Jason Polchinski treated Melody during that visit.

¹ This case involves care received at the Alaska Native Medical Center. It is likely some of the providers named were federal employees at the time of the care rendered to Ms. Richardson and their care is governed by the Federal Torts Claims Act (“FTCA”). A proper administrative Form 95 has been filed to toll the statute of limitations for the federal action. However, federal case law does not protect the state statute of limitations for any healthcare provider who is not an employee of the federal government under the FTCA. Since there is no way to ensure that the healthcare providers who provided care to Ms. Richardson were federal employees before the expiration of the state statute of limitations, this Complaint is necessary to require the United State Government to certify the status of each provider involved in her care.

COMPLAINT

David Moses, et al. v. Dr. Kisling
Case No. 3AN-22-_____ CI

8. Melody reported that she had been having frequent headaches for at least a year, at an average of three times a week. The pain from the headaches sometimes woke Melody from her sleep.

9. Dr. Polchinski witnessed a headache attack during this evaluation, lasting about five to ten seconds.

10. Dr. Polchinski ordered an MRI of the brain.

11. Dr. Howard Katz read the MRI that was performed on December 19, 2019.

12. According to Dr. Katz, the MRI showed "probable 2.3 millimeter aneurysm right MCA trifurcation. Recommend CT Angiography Circle of Willis for improved spatial resolution and further characterization."

13. On December 20, 2019, Melody presented to Dr. Polchinski to discuss the MRI findings.

14. Dr. Polchinski determined the aneurysm warranted further evaluation, particularly given a family history of death from a ruptured cerebral aneurysm.

15. Dr. Polchinski ordered a CTA of the head with IV contrast.

16. The CTA was performed on December 23, 2019 and read by Dr. Gregory Kisling.

17. Dr. Kisling, determined, in part: "No aneurysm identified of the middle cerebral artery trifurcation though the trifurcation on the right does appear to be more complex than the trifurcation on the left with a greater branching pattern identified."

COMPLAINT

David Moses, et al. v. Dr. Kisling
Case No. 3AN-22-_____ CI

18. Dr. Polchinski again met with Melody and her father, on December 24, 2019 to discuss the findings of the CTA.

19. Relying on Dr. Kisling's findings, Dr. Polchinski reported that the CTA clarified that there was no aneurysm present at the right MCA trifurcation.

20. Both Melody and her father felt relieved and reassured.

21. On April 12, 2020, Melody suffered a subarachnoid hemorrhage due to ruptured cerebral artery aneurysm and died.

COUNT I

Plaintiff re-alleges paragraphs 1 through 21 as if fully set forth herein, and further alleges as follows:

22. Defendant Gregory Kisling, D.O. owed a duty to Melody Richardson to assess, diagnose and treat her condition with the degree of care and/or knowledge or skill possessed by or ordinarily exercised by radiologists trained or experienced in the field of radiology

23. Defendant Gregory Kisling, D.O. either lacked the degree of knowledge or skill or failed to exercise the degree of care possessed by or ordinarily exercised by radiologists trained or experienced in the field of radiology and acted in a negligent and/or reckless manner in his care provided to Ms. Richardson as described above.

24. As a direct and proximate result of the negligent and/or reckless act and/or acts of Gregory Kisling, D.O., Ms. Richardson suffered severe injury, pain and suffering, and death.

COMPLAINT

David Moses, et al. v. Dr. Kisling
Case No. 3AN-22-_____ CI

Page 4 of 5

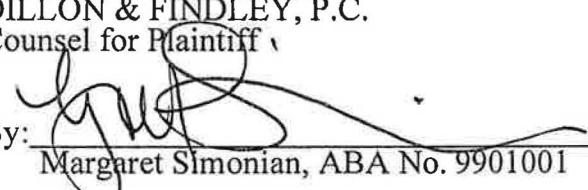
WHEREFORE, Plaintiff prays for relief as follows:

1. For compensatory damages, in excess of \$100,000.00, the exact amount to be proven at trial, including, but not limited to, compensation for the wrongful death of Melody Richardson, for economic and noneconomic losses to the Estate of Melody Richardson, including compensation for pain and suffering experienced, and loss of enjoyment of life;
2. For costs, attorney's fees, and pre-judgment interest; and
3. For such other and further relief as the Court deems just and proper.

DATED this 24th day of March 2022, at Anchorage, Alaska.

DILLON & FINDLEY, P.C.
Counsel for Plaintiff

By:


Margaret Simonian, ABA No. 9901001

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COMPLAINT

David Moses, et al. v. Dr. Kisling
Case No. 3AN-22-_____ CI

Page 5 of 5
Case 3:22-cv-00139-SLG Document 1-1 Filed 06/01/22 Page 5 of 5

Exhibit A

5 of 5